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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,787	05/08/2006	Michael Neumann	2003P01684W0US	8723
46726 7590 09/05/2008 BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562				
EXAMINER ALL, MOHAMMAD M				
ART UNIT		PAPER NUMBER		
3744				
MAIL DATE		DELIVERY MODE		
09/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,787

Applicant(s)

NEUMANN ET AL.

Examiner

MOHAMMAD M. ALI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-13 and 14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Navaro (20020062654) in view of Minari et al., (5,219,383). Navaro discloses a refrigeration device comprising a collection device 13 for condensed water and a vaporizer hot coil 12 connected to the collection device 13. See Fig. 1 and Para [0039]. Navaro discloses the invention substantially as claimed as stated above except droplets of water are formed without any intermediate steps of evaporating condensed water into a gas. Mirani et al., teach the use of nozzles 23 forming droplets (water drops, see column 2, line 60-62) in a refrigerator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

refrigeration device of Navaro in view of Minari et al., such that a droplet forming nozzle could be provided in order to produce droplets of water.

Claims 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masashi (2003-202179) in view of Minari et al., (5,219,383) Masashi discloses a refrigeration device comprising a collection device 7 for condensed water and a vaporizer/ultrasonic vibrator 11 connected to the collection device 7. See Fig.s 5-6 and Para [0005] of enclosed translation. Masashi discloses the invention substantially as claimed as stated above except droplets of water are formed without any intermediate steps of evaporating condensed water into a gas. Mirani et al., teach the use of nozzles 23 forming droplets (water drops, see column 2, line 60-62) in a refrigerator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigeration device of Masashi in view of Minari et al., such that a droplet forming nozzle could be provided in order to produce droplets of water.

Regarding claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over The Navaro or Masashi and Minari et al.. Navaro and Masashi and Minari et al.,discloses the invention substantially as claimed as stated above except cooling a compressor. The general concept of cooling a heat generating body or component of a refrigerant system by condensate water generated by the cooling heat exchanger/evaporator falls within the realm of common knowledge as obvious mechanical expedient and this illustrated by both Navaro and Masashi which teach the

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cooling of a heat generated member like condenser is cooled by condensate water and one ordinary skill of art can apply this principle of cooling a heat generating member to other heat generating member like compressor.

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Navaro and Minari et al., as applied to claim 14 and further in view of Funk (4,477,166) and Parenti (2,222,823).

Navaro and Minari et al., discloses the invention substantially as claimed as stated above except solenoid displaceable pump. Funk teaches the use of a solenoid pump 25 in to pump water from a water source 26 to an evaporator 27 which heated and receives pump water in order to vaporize the water. However, Funk does not disclose details of the solenoid pump to disclose the solenoid displaceable in a coil of linearly driving a piston. See Fig.1, column 3, lines 54-68. Parenti teach the details of the missing portion as mentioned. Parenti disclose solenoid coil 62, a pump piston 20, spring 55, 44 which transpires that the piston 20 moves by the actuation of solenoid coil 65 and springs 55, 44. See Fig 1. Therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pump of Navaro and Minari et al., in view of Funk and Parenti such that a linearly displaceable solenoid operated pump could be provided in order to pump the condensate water.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Navaro and Minari et al., as applied to claim 14 above and further in view of Shiraishi (JP 2002-295968).

Navaro and Minari et al., discloses the invention substantially as claimed as stated above except a door operated pump. Shiraishi teaches the use of a door operated pump with a cylinder 23, a piston 24 filled with working fluid. In a refrigerator See Fig. in a refrigerator for the purpose of using a pump during opening closing a door. Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify the condensate pump of Navaro in view of Shirashi such that a door operated pump could be provided so that it could be utilized to pump the condensate water. In other words the general concept of designing a door operated pump falls within the common knowledge as obvious mechanical expedient and this is illustrated by Shiraich , which teaches the actuation of a refrigerant door operated pump with cylinder 23 which supports a piston 22 and a pipe filled with working fluid 24. The piston is actuated along the opening direction of the door by a pump which pressurizes the working fluid and this mechanism is to replace the pump or Navaro and Minari et al., by a door operated pump to pump the condensate water to the heat generated device.

Response to Arguments

Applicant's arguments, see remarks pages 1-2, filed 06/30/08, with respect to the rejection(s) of claim(s) 10-18 under 102 and 103 rejections have been fully considered

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and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MOHAMMAD M. ALI** whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/
Primary Examiner, Art Unit 3744